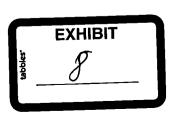
## **TODD KING, VOL I, 7-22-08**

1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 NORTHERN DISTRICT OF OKLAHOMA 3 4 W. A. DREW EDMONDSON, in his ) capacity as ATTORNEY GENERAL ) 5 OF THE STATE OF OKLAHOMA and ) OKLAHOMA SECRETARY OF THE 6 ENVIRONMENT C. MILES TOLBERT,) in his capacity as the 7 TRUSTEE FOR NATURAL RESOURCES) FOR THE STATE OF OKLAHOMA, 8 Plaintiff, 9 )4:05-CV-00329-TCK-SAJ vs. 10 TYSON FOODS, INC., et al, 11 Defendants. 12 13 14 15 VOLUME I VIDEOTAPED DEPOSITION OF TODD KING, 16 produced as a witness on behalf of the Defendants in 17 the above styled and numbered cause, taken on the 23rd 18 day of July, 2008, in the City of Tulsa, County of 19 Tulsa, State of Oklahoma, before me, Marlene Percefull, 20 a Certified Shorthand Reporter, duly certified under 21 and by virtue of the laws of the State of Oklahoma. 22 23 24 25

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pastures of the highest order we've ever had. How in 10:54AM 1 2 the world do you gauge an event like that? 3 MR. BLAKEMORE: Object to the form. I mean, there are extreme events that obviously 4 5 may exceed whatever the gauge was calibrated to. I'm not sure that the numbers I've utilized have been more 6 on the average daily flow basis. I'm not sure if those 7 exceedances, those high infrequent events, would impact 8 substantially the analysis if there are errors there. 9 10:55AM In Paragraph 2.3, you --10 On Page 6? 11 A 12 Yes, sir. 0 13 A Okay. You appear to limit your analyzes to phosphorus 14 10:55AM bacteria total nitrogen, is that true? 15 For the purposes of trying to quantify the 16 different remedial measures, I tried to generalize to 17 18 these three forms to facilitate the discussions and 19 presentation. 10:56AM 20 There's no discussion in here of heavy metals? 21 No, sir. A 22 And why didn't you address the issue of heavy 23 metals? That wasn't identified as one of the injuries to 24 25 10:56AM me at the get-go.

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1	containing nitrates?	5:09PM
2	A Yes, sir.	
3	Now, as to your three constituents of concern;	
4	phosphorus, bacteria and nitrogen, total nitrogen; have	
5	you traced the injury back to any source site for any	5:09PM
6	one of these constituents of concern?	
7	A Me personally, no.	
8	Q Now, you mentioned that you other experts	
9	defined for you what the injuries were and that defined	
10	the scope your project going forward, right?	5:09PM
11	A Yes, sir.	
12	Q Now, for the total nitrogen, who who told you	
13	that there was an injury in the Illinois River	
14	Watershed associated with total nitrogen and you needed	
15	to address that?	5:10PM
16	A Actually, specifically for total nitrogen and	
17	bacteria for the drinking water well, that was actually	
18	based on my own analysis of the 60 wells.	
19	$oldsymbol{Q}$ Okay. All right. Because I have read all the	
20	other expert reports and I want you to correct me if my	5:10PM
21	statement is wrong. I have not seen any of the other	
22	causation expert reports submitted by the plaintiff in	
23	this matter where an expert offered the opinion that	
24	there was a problem with total nitrogen in the Illinois	
25	River Watershed. I've only seen that in your report,	5:10PM

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